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matter, upon all individuals within the jurisdiction. They, as well as the judges, are under an obligation not to violate the constitution, though bidden to do so by the legislature, and, under the Anglo-American principle of the supremacy of law over even governmental action which infringes private rights, public officers are individually liable for the violation of any law applicable to their acts, including of course the supreme law, the constitution. Thus was realized in some fashion the dream of those who sought to impose ordered limitations upon government itself, and chiefly through the medium of the courts because their judicial function compelled them to decide finally, as between individuals, controversies about the meaning of constitutions. Dreams change with the centuries, and if today the ideal of the right of society to act for the collective good begins to dim the older vision of the right of the individual to be protected from the tyranny of government, that is no good reason for misreading history.

Professor McLaughlin's book, tracing the ancestry of the political ideals of the Revolution, and Professor Beard's recent article in the *Political Science Quarterly*, March, 1912, "The Supreme Court—Usurper or Grantee," investigating the individual views of the framers of the federal constitution, have replaced plausible conjecture with tolerable certainty regarding two important phases of the question to which they relate.

The style of all of these essays is easy and delightful, and their argument sane, thoughtful, and persuasive. The ones discussing political parties are marked by a quiet humor, and disclose glimpses of the author's political philosophy that tempt one to hope he may elaborate it further before long.

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JAMES PARKER HALL

Socialism and the Great State. By H. G. WELLS and OTHERS. New York: Harper & Brothers, 1912. Pp. vi+379. \$2.00 net.

Socialism and the Great State is a collection of essays by various writers discussing the actual and desirable relations between the state and society, and the functions of each. The crucial point of the essays is that the "great state" of the future should be more conducive to the creation of conditions which will develop a "normal social life." The facts presented seem to have been selected for the purpose of pointing out the evils, wastes, and crudeness of the present state organizations and functions. The essays on "Law and the Great State," "Democracy and the Great State," and "Women in the

Great State" emphasize moral and political evils. Essays on "The Great State and the Country-Side," "Work in the Great State," and the "Artist in the Great State" indicate the wastes resulting from needless incompetency in agriculture and state neglect of its development, from competition in industry, and from misspent and misdirected energies and talents. Essays on the "Making of New Knowledge," and "Health and Healing in the Great State" point out the present crude exercise of state functions.

All these essays, except those on the "Artist in the Great State," "Law and the Great State," and "Women in the Great State," seem to attempt to force the conclusion, from prophecies advanced in favor of the "great state," that its development would bring a desirable and healthy "normal social life." All express a general demand for adequate legislation. A point of issue might arise on the proposition that the "great state" could and would accomplish adequate legislation and conditions conducive to the development of the "normal social life" sooner than the present or some other political organization.

Penal Servitude. By E. STAGG WHITIN. New York, National Committee of Prison Labor, 1912. 8vo, pp. vii+iii+162.

Penal servitude is characterized by the author as the one form of slavery remaining in the United States. The system is accounted for on the ground of an economic development which made it necessary for the state to utilize the labor power of the convict, which it did through sale to private contractors. Under such a system the contractor's only interest was to obtain a maximum of advantage for himself from the work of the prisoner. The prisoner, on the other hand, had no hope of reward and no interest in the work he was doing. The state suffered both because of the bad effect of the system on the convicts and because free labor could not maintain itself against this competition. Political complications caused further difficulty.

But when for this system there is substituted a plan of industrial education from which politics is eliminated and of which the primary purpose is to bring about the prisoner's regeneration so that he may leave the institution as a useful citizen, then the former state of "slavery" is changed into a system that works to the advantage of all concerned. By this means the state can supply many of the needs of its institutions and can further use this labor power in developing its resources. Under such a plan a market for the prison-made goods is assured and competition that might work to the disadvantage of free labor is avoided. But more important than such considerations is the result upon the prisoners. This contrast is strongly drawn by Dr. Whitin in some of the typical situations that he portrays. One cannot have read the sketch of "The Slaves" nor the paragraph describing farm work in a certain unnamed institution without a realization of the need for such work as the National Committee on Prison Labor is doing.